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Held at Headquarters, New York,
on Friday, 20 January 1995, at 10 a.m.

Chairperson: Ms. GARCIA-PRINCE
(Vice-Chairperson)

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

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In the absence of Ms. Corti, Ms. Garcia-Prince, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Bolivia (continued) (CEDAW/C/BOL/1 and Add.1)

1. At the invitation of the Chairperson, Ms. Montaño (Bolivia) took a place at the Committee table.

2. Ms. MONTAÑO (Bolivia), replying to questions raised by the Committee, said that contrary to what was stated in the initial report, the Convention had become part of Bolivian law on 15 September 1989 and could be invoked fully for defending the exercise of women's rights and formulating policies. There were no legal or legislative obstacles whatsoever to the implementation of the Convention. The initial report had probably been trying to convey the fact that Bolivia's judges and judicial authorities had very little knowledge of the Convention and did not often invoke its provisions in handing down judgements. However, that situation was changing and a growing number of lawyers were using the Convention to defend women's rights. The Office of the Under-Secretary for Gender Affairs was making systematic efforts to disseminate to judges and legal practitioners information on the Convention and other legal instruments for protecting the rights of women, so as to remedy the failure to implement the Convention.

3. Regarding the impact of economic development on women's social well-being, she noted that for many years Bolivian society had been characterized by extreme poverty and unequal income distribution. That situation had been exacerbated by a long period of hyperinflation and negative growth. The current growth rate of 4.5 per cent a year was still considered insufficient to generate social well-being. However, attempts had been made to redistribute income. In that regard, the State had provided for the transfer of resources from the national to the municipal level. Approximately 25 per cent of national revenues were to be allocated to municipalities, in proportion to the number of people for whom they were responsible.

4. Under the Popular Participation Act, municipalities now had to incorporate the concerns of women's organizations into their plans and programmes. Her Office was currently working with the government agencies concerned on a set of gender statistics which would identify the kind of input that women could have into the design of development projects at the local and national levels and how they would benefit from such projects in future. Instead of taking a vertical, centralized approach to the allocation of resources, the new system took local demands into account. Moreover, by law, 50 per cent of the membership of the oversight committees responsible for monitoring the use of municipal resources must be women from the community concerned.

5. Replying to questions about her Office's involvement in legal reforms, she said that the Office's legal reform division had carried out a number of studies with a view to amending the country's laws, so as to eliminate all legal obstacles to the advancement of women. There was also a programme of training and consciousness-raising to address socio-cultural obstacles to the application of the principles of equality. In that connection, the Office had submitted to the legislature a preliminary bill on domestic workers designed to protect young women from rural areas who were engaged as domestic servants and who, as a result of deep-rooted cultural discrimination, were denied the minimum social benefits provided under the General Labour Act. The bill was the outcome of several months of consultations between the Office and the domestic workers' unions of Bolivia's two main cities. It also responded to a mandate from the Vice-President of the Republic, who was committed to fighting for the rights of the Aymara, Quechua and other indigenous peoples of Bolivia.

6. Concerning the proposed law on domestic violence, a bill had been submitted to the legislature following consultations and agreement with the members of various political parties. The law would not only repeal article 276 of the Penal Code, but would also define domestic violence, provide new minimum penalties for it and cover areas not currently covered by the Penal Code. The General Labour Act had also been redrafted to eliminate the over-protectiveness which was one of the main legal obstacles to women's advancement. Motherhood would be protected under the new Act.

7. The Family Code was to be amended to address certain discriminatory aspects, such as the archaic provision whereby husbands could prevent their wives from engaging in certain occupations or trades for reasons of "morality". That provision not only violated the rights of women but had also become instrumental in increasing the exploitation of women workers, who were often forced to work illegally without the usual labour protections. That was why, in its analysis of the Family Code, her Office was insisting on the deletion of that provision and all references to breaches of "morality".

8. Regarding the age of marriage, she noted that, while under current Bolivian law boys could marry at age 16 and girls at age 14, studies were being carried out with the assistance of the United Nations Children's Fund (UNICEF) to determine actual marriage and reproductive practices throughout Bolivia, given the wide cultural diversity that existed. On the basis of those studies, a single age for marriage would be proposed that reflected existing values and practices in Bolivia.

9. Concerning divorce, the Office was emphasizing the need to amend the current practice of granting a divorce only on grounds of adultery or abuse and to include the unilateral desire for divorce as the current legal situation had led to the highly illegal practice of producing false witnesses, thereby not only violating the principle of truth but also tainting the dignity of all concerned.

10. While the right to family allowances was one of the rights most widely recognized in Bolivian social practice, the red tape involved in requesting an increase in such assistance was so costly that women usually did not attempt to obtain it. Her Office was trying to simplify the procedure so that family

allowances would increase automatically in line with the wage increases established annually by the Bolivian Government.

11. With regard to rape, under the Penal Code, the burden of proof fell on the woman and the rape of women over the age of puberty was considered a private crimes which meant that society was not responsible for combating it. Her Office's assessment of the situation was that it was easier to work to have rape classified as a public crime than to try to reverse the burden of proof requirement, which involved going against the entrenched judicial, religious, social and cultural prejudices which came into play whenever such a debate arose in Bolivia.

12. Turning to the issue of land ownership legislation, she noted that although women could, by law, be landowners, in practice that was not the case. Her Office was drafting explicit laws which would ensure that women were effectively granted land ownership rights and were not hampered by red tape or cultural traditions which allowed only men to inherit land.

13. Concerning the law on political parties and the redistribution of power, she noted that CEDAW and other United Nations bodies would have a fundamental role to play in the upcoming decade in helping to change the mind-set of Bolivian males. Traditionally, the women's movement in Bolivia had been concerned mainly with social issues and had addressed only those political issues which affected them directly, such as human rights or the struggle against dictatorship. The bill on political parties currently before the legislature recognized the principle of equality of opportunity but did not accept the idea of quotas, thereby virtually guaranteeing that the principle would have no practical impact on the exercise of power.

14. There was a profound crisis in the country's legal system. According to a study just completed by her Office on judicial practice in the handing down of sentences under family law, 80 per cent of sentences were based not only on the law but also on the ingrained prejudices of judges, lawyers and judicial authorities. Indeed, the study had found that the judiciary was often the most powerful vehicle for transmitting traditional values.

15. Since Bolivia did not have any gender-based indicators, the impact of structural adjustment on the lives of Bolivian women had not been quantified. However, based on case-studies carried out by her Office, the reduction in social spending could be said to have resulted in an increased workload for women and in the feminization of poverty.

16. Responding to questions about the rank of her Office, she said that its rank was equivalent to that of the Ministries of Health and Education and that it could adopt administrative decisions which were enforceable within its juridical framework. The Office was also involved in the work of the ministries concerned with social affairs and in all inter-ministerial decisions. While rank was important, political will and the ability to arrive at a consensus were even more crucial, as an administrative structure for dealing with women's concerns was not in itself sufficient to bring about change. Her Office was therefore making considerable efforts to reach agreements with political parties and parliamentary representatives to ensure not only that the legal reforms it

was proposing would become law but also that the Office would be maintained under future governments.

17. Regarding financial resources, she noted that the Office had an adequate budget for its first few years of operation and that 75 per cent of its resources came from international cooperation, while the remaining 25 per cent came from the Government. There was also a commitment to increase its budget gradually over the next few years. The Office's research department was looking at development funding from all sources in order to establish how much was being spent, the pattern of spending and its impact on women. The United Nations Development Programme (UNDP) and some bilateral donors were assisting the Office in its efforts to that end.

18. Referring to the Office's functioning and its intersectoral mechanisms, she noted that, in addition to political consultants, it maintained a team of high-level experts at its central offices, regional representatives in seven of Bolivia's nine political regions and sectoral specialists on rural development, education, health and popular participation. Thus, its technical team worked both on designing policies at the central level and on incorporating them at the local level and in the three main sectors of health, education and rural development.

19. Responding to questions as to what the Office was doing to promote women's participation, she noted that a national programme for strengthening municipalities and women's organizations had been designed. It was hoped that, for the current year, pilot projects would be carried out in a cross-section of 30 of the country's 305 municipalities. Those projects would focus on integrated programmes in support of women's participation and on helping women to present their demands, while transferring technical capacity to the municipalities to enable them to receive and respond to women's demands. The specific purpose of the popular participation programme was to secure greater involvement of women in the popular participation process and in the drafting of municipal plans.

20. Replying to the questions raised concerning educational reform, she said that the results of an experiment involving instruction in the Guaraní language had demonstrated the relationship which existed between bilingual and multicultural education and gender equality. A higher proportion of women than men were monolingual, and the drop-out and repetition rates were higher for girls than for boys. By recognizing the right of Guaraní speakers to be educated in their mother tongue, her Government had enabled all of the girls involved to stay in school up to the tertiary level, even though they were from extremely poor families, and had fostered an atmosphere of tolerance and equal opportunity for men and women. While no temporary special measures had been adopted, her country's development plan recognized the need for affirmative action, especially with regard to public investment, to promote educational opportunities for girls.

21. Replying to the questions raised concerning paragraphs 84 and 85 of the report, she said that there was indeed an inconsistency in the treatment of discrimination in the workplace. The report which her Office had prepared for the Fourth World Conference on Women, which she invited the members of the

Committee to examine, made it clear that both law and practice in the labour field were profoundly discriminatory. One indicator of that discrimination was the wage gap between men and women with comparable educational levels performing the same work; the gap was 30 per cent at the higher levels and 50 per cent at the lower levels.

22. Regarding prostitution, there was an inconsistency between the Penal Code and police and municipal law, which criminalized prostitutes while affording immunity to pimps and procurers. There was a clear relationship between trafficking in women and prostitution; however, little research had been done in that area and she hoped that fuller details would be provided in the next report.

23. Turning to the role of non-governmental organizations, she said that it was important to distinguish between such organizations and the broader range of public associations. Her Office had worked with many kinds of organizations, including grass-roots women's organizations, churchwomen's groups, political parties, women's professional associations and trade unions. While her Government did not finance or support public associations, so as to preserve their independence, its programmes were frequently implemented with their assistance. At the same time, non-governmental organizations must recognize that responsibility for formulating public policy fell to the State and not to them.

24. As noted in paragraph 118 of the report, training for military careers had been discontinued for women several years earlier, and there was little support for reinstating it.

25. Under the Constitution, Bolivian women married to aliens could transmit their nationality to their husband and children; nationality could also be transmitted through adoption. Single women were permitted to adopt children under the Family Code.

26. While 46 per cent of the population aged over 10, including nearly all residents of rural areas, did not possess national identity cards, that was true of men and women in equal proportions. A programme to register all citizens was under way, to enable them to vote as well as to acquire shares in State-owned enterprises which were being privatized.

27. While abortion remained illegal except in cases of rape or when the mother's life was at risk, it continued to be practised widely under unsafe conditions and was largely responsible for the high maternal mortality rate. Her Government, which had endorsed the Cairo Declaration without reservations, recognized that that situation was a public health problem. While there were no plans to legalize abortion, her Government was taking steps to reduce maternal mortality by facilitating access to family planning, which was recognized as a basic right.

28. Her Government acknowledged that the report lacked detailed information on the types of development projects that were being carried out, especially in rural areas, and on how they benefited women, a deficiency which it would endeavour to overcome in the next report.

29. Ms. SHALEV requested the Bolivian representative to clarify how the abolition of military training for women, but not for men, could be reconciled with the goal of gender equality.

30. Ms. JAVATE DE DIOS said she hoped that the next report would contain a fuller account of the steps taken by the Government to curb trafficking in women and prostitution.

31. Ms. SCHOPP-SCHILLING welcomed the Bolivian representative's statement that her Government had set targets and established a timetable for the implementation of the Popular Participation Act.

32. Ms. MONTAÑO (Bolivia), replying to the question raised by Ms. Shalev, said that there was no national debate over the issue of military training for women. In her opinion, at Bolivia's current stage of development, it was more important to invest in education and health care and to restrict the role of the military and the police. At the same time, her Office was working with female police officers to raise awareness of human and civil rights and of the campaign against violence.

33. Replying to Ms. Schöpp-Schilling, she said that the Popular Participation Act amounted to a peaceful revolution in her country. For the first time in history, the country's majority population group, multiculturalism and gender equality had been recognized in a major legislative initiative.

34. Ms. BUSTELO GARCIA DEL REAL said that future reports should not only indicate whether the proposed reforms had been adopted and implemented, but should also contain statistical indicators of equality, showing what progress had been achieved in relation to specific articles of the Convention.

35. The CHAIRPERSON thanked the Bolivian representative for her frank and detailed answers to the Committee's questions and expressed satisfaction that the debate had provided the Government with food for thought. The Committee had concluded its consideration of the initial report of Bolivia.

The meeting rose at 11.35 a.m.